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FILED

DISTRICT COURT OF GUAM

SEP 22 2005

MARY L.M. MORAN
CLERK OF COURT

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE TERRITORY OF GUAM**

10 UNITED STATES OF AMERICA, CRIMINAL CASE NO. 04-00056

11 Plaintiff, GOVERNMENT'S MOTION FOR A
12 ONE-LEVEL DEPARTURE

13 vs.)

14 MAX S. MENDIOLA,)

15 Defendant.)

16 The United States adopted the findings of the Presentence Report in this matter on April
17 12, 2005. The government, however, overlooked the fact that defendant is entitled to a one-level
18 departure pursuant to Guidelines § 3E1.1(b). Accordingly, the United States hereby moves this
19 Honorable Court for a one level departure downward from the guidelines sentencing level
20 pursuant to USSG § 3E1.1(b) because the defendant timely notified the government of his
21 intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial

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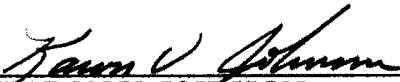
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1 and permitting the court to allocate its resources efficiently. Defendant's present level is 30. A
2 one-level reduction will result in a total offense level of 29, with a Guidelines range of 87-108
3 months. The government will be recommending a sentence of 87 months.

4 RESPECTFULLY SUBMITTED this 21st day of September, 2005.

5 LEONARDO M. RAPADAS
6 United States Attorney
Districts of Guam and the CNMI

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8 By: 
KARON V. JOHNSON
9 Assistant U.S. Attorney